

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

84th Legislative Day

April 10, 2002

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Father Eugene Costa, St. John's Vianney Church, Sherman, Illinois. Father Costa.

FATHER EUGENE COSTA:

(Prayer by Father Eugene Costa)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR SULLIVAN:

Ladies and Gentlemen of the Senate, if you could welcome my Page for the Day today, Stephen Bannon, and his father, James, in the gallery.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? The Illinois Information System {sic} has requested permission to film. Is leave granted? Leave is granted. Senator O'Malley, for what purpose do you rise?

SENATOR O'MALLEY:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

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SENATOR O'MALLEY:

I'd like to have everybody in the Senate who's here today join with me in welcoming a number of young ladies who are in the galleries throughout here. There's almost eighty young ladies representing the National Council of Catholic Women, here and -- and throughout the State of Illinois, and they're in the gallery right now.

PRESIDENT PHILIP:

Would they please rise and be recognized by the Senate? Senator Walsh, for what purpose do you rise?

SENATOR T. WALSH:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR T. WALSH:

I, also, wanted to introduce Mary Ann Vavra, from La Grange Park, who is here with the Council of Catholic Women. And I want to welcome her to Springfield. And we also have Terry O'Brien here, who is the President of the Water Reclamation District of Greater Chicago. And I'd like for him to be recognized.

PRESIDENT PHILIP:

Will he please rise and be recognized by the Senate? Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Mr. President, on a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President, we are graced today with the visit here from very -- from some very fine ladies from Lake County. And they belong to the Diocese and Catholic Women's Club. Islo Leccesi, from Beach Park, my constituent; Margaret Biedron, from North

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Chicago, Senator Link's constituent; LaVerne Lazer, from Gurnee, my constituent; and Ruth Ann O'Brien, from Lake Forest, Mr. Link's constituent. They're sitting up there in the President's gallery and I'd like you to welcome them here.

PRESIDENT PHILIP:

If they would please rise and be recognized by the Senate. Senator Jones, for what purpose do you rise?

SENATOR W. JONES:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR W. JONES:

Yes, I have three Pages today, in the back of the room, Gina Krenz, Elizabeth, Meaghan and Brock Gobel. Will you welcome them to the Senate?

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR SIEBEN:

Thank you, Mr. President. We have joining us today in the Senate a group of students from Freeport, Illinois, who are involved in homeschooling in Freeport. They're back here at the Sergeant-at-Arms area.

PRESIDENT PHILIP:

All right. Will they please rise and be recognized by the Senate? Senator Halvorson, for what purpose do you rise?

SENATOR HALVORSON:

Thank you, Mr. President. A point of personal privilege.

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PRESIDENT PHILIP:

State your point.

SENATOR HALVORSON:

Today, with me, I have in the President's Gallery, a group of young people from all over the State of Illinois that serve on the Student Advisory Council for the Illinois State Board of Education. And my son, Matthew, is one of them. I would like for the Senate to welcome them to the -- to the Senate Chambers.

PRESIDENT PHILIP:

Will they please rise and be recognized by the Senate? Reading of the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, April 3rd; Thursday, April 4th; and Tuesday, April 9th, 2002.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objection, so ordered. I'm going to turn the podium over for a short period of time to Senator Demuzio to introduce a girls' basketball team.

SENATOR DEMUZIO:

Ladies and Gentlemen, if I could have your attention for a moment. Can I have some attention over there for a moment, please? This is obviously a -- a very significant occasion, I think, for some of the special guests that we have here with us today on the podium. These young ladies and their coaches -- this is -- represents the second time in a -- two consecutive years now

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that they have arrived in Springfield as the State Basketball Class A Champions. This is unique in the fact that they won last year and they won this year, that normally -- is a special occasion and normally does not happen. But the Lady Hawks are here today with us, from Carrollton, Illinois. They indeed have captured their second IHSA Championship. They won the right to be in the championship by defeating a number of teams, which will remain nameless because -- Senator Karpiel says she can't hear. Not me, Senator Karpiel. So -- and I won't -- I'll spare you the embarrassment of -- of reading off the teams -- that they have beaten in your districts. The Class A championship really capped off an outstanding season for -- for these ladies. And I'd like to introduce them to you. And as I introduce them, would you please raise your hand? Krisse Peters, Lauren Brannan, Justin {sic} (Justine) Tucker, Alicia DeShasier, Tracy Stumpf, Katie Nolan, Dana Carter, Terry Stumpf -- Terra Stumpf, Amber Shelton, Molly Reed, Lisa Grummel, Jena Staples, Nicole Meyer and Hannah Cunningham. Joined today also by two extraordinary coaches that have coached this magnificent team these last two years is Head Coach Lori Blade, on my left, and the Assistant Coach, Donna Farley, on my left, also. Before I ask them to speak, I'd like to introduce, also, to the Members of the Body a new representative from the Illinois House, who took Tom Ryder's spot in the -- in the 97th District, and that is another Watson. We have a Watson here, this is Jim Watson in the House. And so I would like to call on Lori Blade for a few brief remarks, the Coach. Lori.

HEAD COACH LORI BLADE:

(Remarks by Head Coach Lori Blade)

SENATOR DEMUZIO:

Thank you. And we'll all be back seeing you again next year. Thank you. Frank Watson represents Breese Central. We beat you twice, last year and this year, in order to get there. We want to

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thank you very much from the bottom of our hearts.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Ladies and Gentlemen of the Senate, Israel Wright, affiliated with Windy City Times, is asking permission to photograph the Senate proceedings. Hearing no objection, permission is granted. Messages from the House.

ACTING SECRETARY HAWKER:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 4478, House Bills 4479, 4549, 4605, 4620, 4639, 4647, 4670, 4673 and 4680.

Passed the House, April 9, 2002.

I have like Messages on House Bills 4681, 4719, 4725, 4740, 4795, 4796, 4830, 4832, 5016, 5026.

And another like Message on House Bills 5038, 5045, 5048, 5076, 5077, 5079, 5127, 5128, 5145 and 5150.

And another like Message on House Bills 5190 -- pardon me, 5159, 5160, 5168, 5169, 5200, 5201, 5203, 5218, 5220 and 5222.

And a like Message on House Bills 5231, 5236, 5240, 5278, 5301, 5307, 5322, 5323, 5324 and 5325.

Another like Message on House Bills 5334, 5340, 5342, 5351, 5368, 5383, 5401, 5455 {sic} (5444), 5450 and House Bill 5499.

And the last like Message is on House Bills 5500, 5514, 5530, 5545, 5564 and 5938.

All passed the House, April 9, 2002.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

ACTING SECRETARY HAWKER:

Senator Mahar, Chairman of the Committee on Environment and

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Energy, reports House Bills numbered 4471 and 5709 Do Pass, and Senate Resolution 342 Be Adopted.

Senator Parker, Chairperson of the Committee on Transportation, reports House Bill 1495 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 387, offered by Senator Dillard and all Members.

It is a death resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Consent Calendar.

ACTING SECRETARY HAWKER:

And Senate Resolution 388, offered by Senator Woolard.

It is substantive.

And Senate Joint Resolution 67, offered by Senator Cronin.

It is also substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - House Bill 4438; refer to Appropriations Committee - House Bill -- House Bills 2137, 3329, 3439, 3463 and 3521; refer to Commerce and Industry Committee - House Bills 4451, 4457 and 4531; refer to Education Committee - House Bills 1436, 1438, 1440, 1442, 1448, 3729, 3776, 4117, 4328, 4351, 5663, 5700 and 5734; refer to Environment and Energy Committee - House Bills 3768, 5720 and 5846; refer to Executive Committee - House Bills 101, 822, 1689, 2765, 2828, 3606, 3714, 4007, 4084, 4090, 4187, 4214, 4355, 4453, 5000, and House Joint Resolution 63, and Senate Amendment No. 1 to Senate Bill 2313;

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refer to Financial Institutions Committee - House Bills 1949, 3336, 4952, 5742 and 5822; refer to Insurance and Pensions Committee - House Bills 1386, 1889, 2671, 4220, 4371, 4618, 4975, 4989, 5607 and -- pardon me, 5908; refer to Judiciary Committee - House Bills 3717, 4047, 4073, 4074, 4081, 4179, 4194, 4228, 4321, 4926, 4936, 4947, 5004, 5578, 5648, 5649, 5695 and 5732; refer to Licensed Activities Committee - House Bills 3129 and 5803; refer to Local Government Committee - House Bills 1215, 3710, 3734, 3771, 3773, 3812, 4130, 4257, 4397, 4988, 5577, 5646 and 6034; refer to Public Health and Welfare Committee - House Bills 1535, 1536, 4170, 6041, and Senate Joint Resolution 57, Senate Joint Resolution 58 and Senate Resolution 373; refer to Revenue Committee - House Bills 1268, 1269, 1272, 1273, 1276, 3775, 4053, 4230 and 6012; refer to State Government Operations Committee - House Bills 4454, 5807, 5829 and 5911; refer to Transportation Committee - House Bills 3210, 3629, 3645, 3652, 3712, 4229, 4365, 4911, 4948, 4953, -- pardon me, 5610, 5615 and 6004; and Be Approved for Consideration - Conference Committee Report No. 1 to Senate Bill 119.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Klemm, for what purpose do you rise, sir?

SENATOR KLEMM:

For the purposes of an announcement, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Hold on just a minute, sir.

SENATOR KLEMM:

I just want to report the...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Could we have your attention please? Senator Klemm has the Floor.

SENATOR KLEMM:

The Senate Executive Committee will be meeting immediately



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upon adjournment. We were supposed to meet at 1 o'clock in Room 212, so I see we're a couple minutes late. So, if we get down there promptly, we'll move our legislation. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. On page 24 of today's Calendar is the Order of Constitutional Amendment 3rd Reading. Like to ask the Members to be in their seats. SJR 18. Senator Petka? Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution 18, a Constitutional Amendment, offered by Senator Petka.

(Secretary reads SJRCA No. 18)

3rd Reading of the resolution.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

If we can have your attention please. Ladies and Gentlemen of the Senate, if we can have your attention please. Senator Petka.

SENATOR PETKA:

Thank you very much, Madam Chairman -- or, Madam President and Members of the Senate. Today I'm asking you to consider supporting Senate Joint Resolution Constitutional Amendment 18, which would create a Court of Criminal Appeals here in the State of Illinois. This Court of Criminal Appeals would have the power, on direct appeal, to decide capital cases and all criminal cases brought to it. As was read in the -- by the Secretary of the Senate, this Constitutional Amendment would require the Governor of this State to nominate, and this Body to advise and consent to those nominations. Over the last several years, those of us serving on the Judiciary Committee and those of us who have an interest in criminal law, understood that the media and that law enforcement and various advocacy groups have all stated that -- with a unified voice, that the system is broken. It may not be that. It may -- certainly not running very well. But the

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solutions that have been preferred, at least at this time, to me, are Band-Aid approaches. The Governor of this State has proposed a moratorium on the death penalty and he used as the basis for this that the -- the system of criminal justice in the State of Illinois is broken and he made that at -- at a press conference -- that statement at a press conference. In my opinion, as I stated once before on the Senate Floor, this is an ultra vires act. Under our Constitution, the Governor simply lacks the authority, the power, to nullify a State Act. There are other constitutional remedies that he has, but that's not one of 'em. Our Supreme Court has attempted to solve this problem. They have asked the General Assembly to appropriate funds for capital litigation. We have followed the direction and we have appropriated a significant amount of money to -- to ensure that individuals who are involved in this type of litigation are compensated adequately. They also have insisted now on a certification process by which only those who have had prior experience in handling of criminal cases and capital cases will be certified to handle capital cases. We, as a Body in the General Assembly, have taken a strong first step or -- in connection with this. A few years back, then Representative Peter Roskam, now our Senator from 23rd {sic} District, introduced a bill in the House permitting individuals who are on death row or in prison to have standing and that they could, by the use of modern technology, such as DNA evidence, that they would have an opportunity to challenge their convictions. And we have seen rather dramatic results from that bill in a very short period of time. Our bill was a first in the nation. In my opinion, it was the proper and humane thing to do because it assisted the Judiciary in the search for the truth. Currently, our Supreme Court has -- is -- is an elected Supreme Court. From my own research, I don't believe that there is anyone who has served on the Supreme Court who's ever tried a capital case,

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either as a prosecutor or as a defendant, though I do believe that there is one who has presided over capital cases as a judge. The reason I bring this out, was a few weeks back, a federal court in Chicago issued an opinion reversing a murder conviction that occurred in Will County in 1984, People vs. John Szabo. I have more than passing interest in that case; I tried it. I tried it first in 1979 and then again in 1984. That case went through the system twice, in -- in terms of actually -- our Supreme Court ruling upon the merits of the case and then in -- in two separate post-conviction proceedings, ruled on -- on the case further. But it was not until we actually entered the federal district court that a federal district judge was convinced that actions at the trial court by two lawyers who had been appointed in the case were such that warranted a reversal of the case. So, the case had been reviewed four separate times by our current Supreme Court. The sadness of this should be obvious to anyone. That case involved the murder of two teenage boys, sixteen and eighteen, who were murdered in January of 1979. They went out to a deserted road to buy drugs and they brought a large amount of cash to buy drugs. The people they met up with didn't have any drugs, but what they did have was a gun and a bayonet and proceeded to kill two teenagers. But the tragedy extended even further, Members of the Senate. Because these teenagers were murdered, a woman who was forty-five years old was so saddened by grief that she consented to a pregnancy and died in childbirth. So we not only had two murders, we had four, counting the baby that was born and then died. Twenty-two years -- twenty-three years later after a crime was committed, it is now working its way back to the Circuit Court of Will County for another hearing. I think that that passage of time is unacceptable. Using any criteria and any standard of measurement, it is simply unacceptable. What this bill attempts to do, and I believe in a very direct manner, this Constitutional

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Amendment will streamline the system. It will permit individuals to pass upon criminal cases who have perhaps been qualified to do so by this Body. By passing this Constitutional Amendment and putting it before the voters of this State, we will have an opportunity to stand up for this institution, this institution, to assert our constitutional obligation to act as a coequal branch of the -- government of this State. The -- the Governor of this State will engage in a selection process and nominate, and this Body will have an opportunity to question and demand answers from, those who are seeking to be placed in this position of high honor and responsibility. This will not take away all the problems in the system, but the fact of the matter is that one of the biggest problems that we have in the system is simply the delay in time. A day extra in prison for a person who is actually innocent is an eternity. A day that a person does not get what it truly deserves is justice delayed and justice denied. More than twenty-two years ago, a candidate for office who became President of the United States said it best. If we are to fix the system, we must do it now, because if not now, when, and if not by us, whom? I urge the adoption of this Constitutional Amendment. And, Madam President, I will answer any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I would rise in opposition to this proposal. Senator Petka has cited a litany of problems with the judicial system, but I didn't hear very many fingers pointed at the Illinois Supreme Court in listing those problems. Right now, we're talking about the fact that there was a moratorium on death cases here in the State of Illinois. And whether the Governor had power to do that or not, that's something that he's been able to do regardless, without any test. But next Monday,

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we're going to get a report on what the recommendations are to remedy that situation. We can't even wait till Monday? We need to get this out now? To me, that doesn't make -- make any sense. We have an elected Supreme Court. Any of the problems that there may have had -- may have been with the Supreme Court, we have four new members. They're brand-new. They haven't even had a chance to handle very many criminal cases. They were elected with the vote of the people of the State to handle all cases. If the people didn't think that they were good enough to handle these criminal cases, they shouldn't have voted for 'em, and they wouldn't have voted for 'em. There was an election. They've got ten-year terms, the newer ones, and now we're circumventing the will of the people by cutting that power of those judges in half by taking away all criminal cases. I think what we have here is an answer in search of a problem, instead of the other way around. I think that this -- this answer doesn't respond to what the problem is. You know, we've had legislation here to videotape confessions. That's been locked up in the Rules Committee. That would do something meaningful, but we haven't been able to vote on that. It -- it's -- time and again, the problems that we have are with -- prosecutorial misconduct, defense attorney ineptness, lower court judicial misconduct, coerced confessions. But the Supreme Court itself, to point the finger at them after looking at these problems, to me, doesn't solve the problem. It obscures the problem by saying, "Here's our solution, vote for this," and things will remain the same. So I would urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I think that -- the previous speaker expressed some concerns that I share. I think that, obviously, we all share a

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certain frustration about the criminal justice system. I think those of us who are concerned about prosecutorial misconduct are concerned. I think those of us who are concerned that criminals aren't being prosecuted with sufficient dispatch are also concerned about the criminal justice system. And I think we would all agree that the system needs to be reformed and modified in ways that serve justice for both the victims and the accused. The main point I just want to make today is what a radical step this is. This is not something that we should take lightly. Essentially, what we are doing is we are proposing to take the entire criminal docket in the State of Illinois out of the hands of the Illinois Supreme Court. Now, to my knowledge, I'm not aware of other states that do this. The United States Supreme Court does not handle it in this manner. And I should point out, for those of you who may be swayed by the point that Senator Petka made that few members of the Illinois Supreme Court ever practiced criminal law, well, to my knowledge, Justice Scalia did not practice criminal law, Justice O'Connor on the U.S. Supreme Court didn't practice criminal law, neither did Justice Thomas or Justice Kennedy. So the -- the notion that somehow to adequately deal with criminal justice issues you have to have been a prosecutor would argue that, in fact, we need to take the entire criminal docket away from the U.S. Supreme Court. And I don't think that that's something that certainly has been debated with sufficient rigor or studied or examined to the point where we today, at 1:20 in the afternoon, are suddenly going to decide, "You know, that's a pretty good idea, why don't we just vote on this?" This is not your typical bill. This involves a structural change in Illinois government. I would suggest that there may be some merits to some of these ideas. But if, in fact, we're going to pursue it, I would advise that every single Member of this Body would need to really take the time to study the issue and examine

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it. And I can't say that, with confidence, I understand all the ramifications of this amendment. I think I speak with some certainty that the majority of Members of this Body have not adequately studied and examined this issue. And for that reason, I would urge a No vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Indicates that he will.

SENATOR O'MALLEY:

Madam President, I -- I rise in support of SJR 18. The proposition contained therein is -- is certainly worthy in light of the experiences we have had in this State in recent years. And while I listened to the previous speakers carefully, you know, I think they're aware, as I am aware, that the Illinois Supreme Court has taken, I think, some very important steps in reforming our criminal justice system, especially in the area of -- of the administration of the death penalty and it's -- and the prosecution under the death penalty statute. However, they don't have the power to do what's sitting before us today. And to suggest that there's no precedent for this is contrary, at least to the staff analysis that's been provided to me, and perhaps Senator Petka, as the sponsor, can talk more about how this has been handled in -- in at least one other state, where it has streamlined and made the Supreme Court in that state more efficient. You know, what is wrong with considering a proposition? There's no final action here. There's no final action even if it were approved in the Illinois House of Representatives. The final decision would be made by the people of Illinois. And -- so to allow this to be part of the process,

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to see whether or not it can actually result in helping to assist and clean up the criminal justice system in this State, especially with respect to the death penalty statute, I think the sponsor is to be applauded. He has my full support. And I would urge every Member of this Senate to not only seriously consider it, but to support it so that this can -- this debate can continue with the input from the Illinois House of Representatives. Thank you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. I'll just be brief. It's a good idea, but I think you're starting at the wrong place. Actually, you can come back and say the Supreme Court, who are hearing these cases, should have the proper background. Well, okay, that seems to make sense to me, except that the Supreme Court, they can hire as many clerks as they want, they could take four or five months to make a decision on it, and therefore come to the conclusion, now, I still think they should probably be versed in it. However, where I think you should start is, and may be -- may be more apropos is -- you say let's start there, but the judge at the Circuit Court level who's actually hearing this case, who actually has to make the decisions on the fly, who has to actually determine someone's fate - because most cases are -- are actually bench trials, not jury trials, as most people know - these people that -- actually have to make the decision, who don't have law clerks, who have to make it instantaneously, not after five months of study, those fellows or -- or ladies, we say you need no experience. None. So if we're going to start with a Constitutional Amendment and say this judge -- Judiciary should have experience in criminal cases, I think that we should start at the Circuit Court level and not at the Supreme Court level. Thank



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you.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, Senator Petka, to close.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. It is interesting the dialogue that we have had, ever so briefly at that, in connection with this Constitutional Amendment. We have heard that if we were to pass this Constitutional Amendment out and should it be approved in the House, that we would be thwarting the will of the people over -- in connection with the election of the current Illinois Supreme Court. All we will be doing is enabling the people of the State of Illinois, next November, to make a decision, to make a choice, as to whether or not it feels, the Body -- the people of the State of Illinois, that the time has come for us in this State to reform the system. I have heard impassioned speeches from the other side of the aisle for the last several years dealing with wrongful convictions, dealing with the prosecutorial misconduct, dealing with all types of issues which smack at what our criminal justice system should be. And yet, we have now before us a Constitutional Amendment which is modeled after another state. State of Texas has this system and it has had -- had the system since statehood, a Supreme Court of -- of Criminal Appeals in the State of Texas. Oklahoma has also gone to this system. The underlying premise is not difficult to fathom. It is one thing for a lawyer to go to law school. It is one thing for a lawyer to study about criminal law. It is quite another thing to actually practice it. You can read Sports Illustrated or watch TV videos until you're -- you're tired of watching it, but reading about how to be a good quarterback will never get you to the Super Bowl and playing quarterback. It actually requires practice. It requires that an individual familiarize himself or

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herself with the system. There's nothing in this Constitutional Amendment that says that everybody who would serve on this Court of Criminal Appeals has to have prosecuted a case or defended a case or even heard a case. That will not be the decision of the members of the Court. It will not even be a -- a decision that is made by the people of the State of Illinois. That decision, Members of this august Body, will be made by us. We alone will determine whether or not a person has the necessary qualifications to sit in judgment on some of our most important cases that we have in this State and some of the biggest cases we have in this nation. The naysayers say, "Let's wait till next week, let's wait till next year, let's wait till next decade," to give them more opportunity to whine and whine and moan and gripe. I believe there's a better way. I believe it is - believe it or not - it's better to light a candle than to curse at the darkness. I really believe that. Just because it has not been done universally does not mean that it should not be done universally. That is important. And remember, this is the only state in the union that has a moratorium, and the Governor of this State says this system doesn't work. And a commission has said this system doesn't work. And people on that side of the aisle have said this system doesn't work. All right. I accept it. We're going to change it, and we're going to change it in a very meaningful way that puts this Body right -- right up front, reforming the system. We can insist that people who are passing judgment on some of our worst criminals have some experience in either the investigation or the prosecution or the judging of those criminals. We can insist that those people who are sitting on the -- on the Court of Appeals have the necessary character, have the necessary qualifications, competency, background to handle these cases. We will take that first step towards meaningful reform. We don't want to have a system where people are murdered in 1979 and their cases are still

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being litigated in 2002. The system is being swamped with litigation. One of the cries against lawyers is that we -- we're litigation-happy, we try all kinds of cases. I'll accept it. Let's divide the workload. Let's divide the workload - civil, criminal. These things are not of passing interest to myself and some Members of this Chamber. I have tried to completion ten capital cases. They're gut-wrenching, they're emotional, they're charged cases. And if you really believe in what -- what you're doing, that's the only way it has to be, for both sides. But it seems to me that when we have individuals who've commit murder thirty years ago, as we had an individual in this State named Henry Brisbon, the I-57 killer, who committed some of the worst crimes you can imagine, crimes that, Members of this Body, if I told you what were the facts, you probably wouldn't enjoy supper tonight, it wouldn't stay down. Terrible, terrible things. The fact of the matter is that we have no finality to it. We have no finality to this because we continue to have delay upon delay upon delay upon delay. Yes. I hold a law license in this State. My license is at the -- literally in the hands of the current Supreme Court. But I have to say that I -- I stand here today as a Senator, as a representative of the people of this State. I have a right on this Body and I have right as a Senator to offer opinions about what I see as the justice system. We do have that unique, rare opportunity in time to begin the process right here. After all, there are those who say we created the problem, and I say it's time for us to fix the problem. To those who continue to cry, "Something needs to be done, something more needs to be done, send more money, spend more money," I simply say this: You'd want to get the best lawyers to help you in a tough situation. That's human nature. We, as a Body, should insist that we get the very, very best to handle these cases which have -- have brought so much disharmony to this State, so much disunity to this State, so much

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questioning to this State. And the loudest cries we have currently heard are for those who've been wrongly incarcerated. And I say again, there -- it is a terrible injustice, an injustice, if a person is wrongfully convicted and spends one extra day in jail. If we expedite the handling of these cases, that person will get freedom a day earlier, and it's worth it, doing just that. On the other hand, there comes a time when it's time to pay the piper. And very simply, it -- it comes down to this: Delaying justice twenty-three years is not justice. Justice delayed is justice denied. We have an opportunity to fix it. We have an opportunity to fix this with this resolution. Let's do the right thing, in a very meaningful, positive way, right thing not only for ourselves and our families and our neighbors and our people, but future generations. Put into place the mechanism to fix the system, fix it today. I urge this adoption.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Petka moves the adoption and approval of Senate Joint Resolution 18. Pursuant to Section 2, Article XIV of the Illinois Constitution, the amendment must be approved by three-fifths of the Members elected. Those in favor, vote Aye. Those opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 33 voting Aye, 22 voting Nay, 2 voting Present. And this -- this resolution, having -- failed to receive the three-fifths constitutional majority, is declared lost. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Thank you very much, Madam President. This morning I was kind of busy, but I wanted the record to reflect that Senator Clayborne is absent today because he had his -- little operation. And I'd

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also like to announce that Al Bietsch, our doorman back here, is eighty-six years old today. And I want to wish him -- hope everyone joins in wishing him happy birthday. Happy birthday, Al.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Happy birthday. You're only -- you're only as young as you feel. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point.

SENATOR SULLIVAN:

Madam President, today in the gallery, from your district, we have Jack McKeever, the police chief from Lindenhurst; Kevin Klahs, from the Lindenhurst Police Department; and Limey Nargelenas, from the Illinois Association of Chiefs of Police. They are here with the Fight Crime: Invest in Kids organization.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to our friends coming in from Lindenhurst and also from the State Police. Senator Karpiel, for what purpose do you rise?

SENATOR KARPIEL:

Thank -- thank you, Madam President. There will be a Republican Caucus in Room 212 immediately upon the adjournment of the Executive Committee. As soon as the Executive Committee is over - we're thinking about 2:45 - in Room 212, there'll be a Republican Caucus.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator. Senator Klemm.

SENATOR KLEMM:

Just a reminder, the Executive Committee will meet immediately upon adjournment in 212. And we should be shortly finished. So please come promptly and we'll finish our business. Thank you.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you, Senator Klemm. Senator Parker.

SENATOR PARKER:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Point of personal privilege.

SENATOR PARKER:

I have with me today on the Floor, Josh Will, and his parents, Ron Will and Beverly Ott, are up in the President's Gallery. They are constituents from Evanston. Please welcome them.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to the Senate, and enjoy your stay. House -- House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 1444 {sic} (1445), offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 1452, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 1456, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill -- pardon me, 1839, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 1871, offered by Senator Emil Jones.

(Secretary reads title of bill)

House Bill 3655, offered by Senator Bomke.

(Secretary reads title of bill)

House Bill 3797, offered by Senator Bomke.

(Secretary reads title of bill)

House Bill 4082, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 4118, offered by Senator Sieben.

(Secretary reads title of bill)

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House Bill 4211, offered by Senator Dudycz.

(Secretary reads title of bill)

House Bill 4337, offered by Senator Myers.

(Secretary reads title of bill)

House Bill 4343, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 4353, offered by Senator Roskam.

(Secretary reads title of bill)

House Bill 4407, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 4444, offered by Senator Karpiel.

(Secretary reads title of bill)

House Bill 4456 {sic} (4446), offered by Senator Bomke.

(Secretary reads title of bill)

House Bill 4472, offered by Senator Molaro.

(Secretary reads title of bill)

House Bill 4473, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 4667, offered by Senator Sullivan.

(Secretary reads title of bill)

House Bill 4889, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 4890, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 4974, offered by Senator Munoz.

(Secretary reads title of bill)

House Bill 5567, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 5592, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 5779, offered by Senator Myers.

(Secretary reads title of bill)

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House Bill 5780, offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 5831, offered by Senator Molaro.

(Secretary reads title of bill)

House Bill 5844, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 5999, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 6007, offered by Senator Cronin.

(Secretary reads title of bill)

And House Bill 5557, offered by Senator Dillard.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further business to come before the... Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 389, offered by Senator Parker.

It is substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further business to come before the Senate? If not, Senator Stone moves that the Senate stands adjourned until the hour of 9:30 a.m., Thursday, April 11th, 2002. We stand adjourned till 9:30 a.m., Thursday, April 11, 2002.